

**Remarks**

Claims 29-53 are pending. Claims 29 and 53 are independent claims.

The canceled Claims 1-28 included independent claims 1 and 28 now canceled.

Each of the Examiner's objections or rejections is addressed below in the order they were presented in the Office Action.

**Claims 23-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

To avoid the rejection, the terminology "IPA" is replaced by the term "isopropanol."

The claims are recited in proper Markush format as being "selected from the group consisting of A, B and C." MPEP 2173.05(h).

**Claims 1-6, 8, 16, 17, 20, 22-25 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Elgar et al. (GB 222949).**

New claims are submitted and recite a novel pediculicidal, i.e. a lice killing, composition and a use thereof. The document GB 2,222,949 has been featured in the prosecution of the corresponding UK application. The PTO is requested to consider this document does not show a pediculicidal, i.e. a lice killing, composition. The composition in this document merely prevents lice infestation rather than killing the lice. The document states that the composition in this document causes lice to leave a treated site or to refuse infestation (with ova) of a treated site. The document does not include lice killing concentrations.

**Claims 1-5, 8, 20 and 28 are rejected under 35 U.S.C. § 102(a) as being anticipated by Shah (2004/0143026).**

New claims are submitted and recite a novel pediculicidal, i.e. a lice killing, composition and a use thereof. US 2004/0143026 relates to a composition for cosmetic and moisturizing purposes, or for treating dermatological conditions and skin. wounds, and not to a pediculicidal composition.

**Claims 7 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgar et al. (GB 222949) in view of Cardin et al. (US 5,292,504).**

The undersigned appreciates that the Examiner has invested time and effort to discuss how the cited references apply [or perhaps might apply] to the claim limitations. And 37 C.F.R. §1.11(b) requires a reply to every ground of objection and rejection. Further the reply must present "arguments." Accordingly, further Remarks are to follow below.

US 5,292,504 discloses pediculicidal pyrethrins and pyrethyroids, and not the components which are used in the composition of the invention. The rejection notes that Cardin et al. teaches that siloxanes are essential to achieve stability in ovicidal/pediculicidal compositions. However, such compositions do not include the composition of the claimed invention, in lice killing concentrations of the claimed invention. Further Elgar et al. does not encompass the composition of the claimed invention, in lice killing concentrations of the claimed invention. For this reason, the combination of arl siloxanes with the composition of Elgar et al. does not encompass the composition of the claimed invention, in lice killing concentrations of the claimed invention.

**Claims 14 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgar et al. (GB 222949) in view of Dunshee et al. (US 6,383,502).**

Will the PTO please consider Dunshee et al. does not supply the deficiencies of Elgar et al. Further, the PTO is requested to consider Dunshee et al. disclosed a polymer reaction that produces a comfortable, paint-on bandage (col. 2, line 59), which does not contemplate or produce a pediculicidal, i.e. a lice killing, composition and a use thereof. For this reason, there is no motivation to provide a comfortable, paint-on bandage instead of a lice repellant composition of Elgar et al. to be applied to human hair (and be non-detectable by sight, touch or smell, at page 4, paragraph 2).


A paint-on bandage would render the lice repellant composition of Elgar et al. unsatisfactory for its intended purpose to be applied to human hair and be non-detectable by sight, touch or smell. MPEP 2143.01V.

Summary

In view of the Amendment of the Claims and the Remarks in support of patentability, allowance is requested. The Examiner is invited to telephone the undersigned for any reason to advance the prosecution of the application.

Respectfully submitted,

Date: May 26, 2009

By: 

Gerald K. Kita  
Registration No. 24,125

**Customer No. 08933**

DUANE MORRIS LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103-4196  
Direct Dial: 215-979-1863  
Facsimile: 215-979-1020  
E-Mail: GKKita@DuaneMorris.com

Enclosure:     Petition for a One-Month Extension of Time